



Federal Communications Commission  
Washington, D.C. 20554

**DA 08-2565**

**Released: December 15, 2008**

Tom W. Davidson  
Counsel for American Broadcasting Companies, Inc.  
1333 New Hampshire Ave. N.W.  
Washington, D.C. 20036

Re: MB Docket No. 05-317

Dear Mr. Davidson:

By letter dated October 10, 2008, American Broadcasting Companies, Inc. ("ABC"), licensee of WABC-TV and permittee of WABC-DT, New York, New York requested an extension of its waiver of Section 339(a)(2)(D) of the Communications Act of 1934, as amended, to prohibit satellite subscribers from receiving or conducting a digital signal strength test of WABC-DT's digital signal.<sup>1</sup> The Commission granted the original digital signal testing waiver based on the fact that the station's digital signal coverage was limited due force majeure, specifically the September 11, 2001 terrorist attacks.<sup>2</sup> The Commission has granted the licensee two six-month extensions.<sup>3</sup> In its most recent extension request, the licensee states that its original DTV facilities located at the World Trade Center were destroyed on September 11, 2001 and it is using auxiliary facilities. The licensee further states that it has filed an application to license its auxiliary facilities at the Empire State Building and that it plans to construct more permanent replacement facilities, likely at one of its auxiliary sites or at the proposed Freedom Tower location, but it has been unable to do so as of yet.

Accordingly, IT IS ORDERED that ABC's request IS GRANTED and the first permissible date for digital testing for WABC-DT IS EXTENDED six months, from to December 15, 2008 until June 15, 2009. It is unlikely that ABC will be able to complete permanent replacement facilities before June 15, 2009. If a further extension is needed, a request must be filed by April 15, 2009.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

<sup>1</sup> See 47 U.S.C. § 339 (a)(2)(D)(viii), as amended by Section 207 of the Satellite Home Viewer Extension and Reauthorization Act of 2004 ("SHVERA"), 47 U.S.C. § 339.

<sup>2</sup> See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 22 FCC Rcd 12918, 12922 (MB 2007).

<sup>3</sup> See *Waiver of Digital Testing Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004*, 23 FCC 396, 399 (MB 2008); Letter to Tom W. Davidson, DA 08-1280 (June 6, 2008).